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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/904,056    07/31/97    LINDSEY    T    450.156US1

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EXAMINER

NELSON, A

ART UNIT	PAPER NUMBER
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2675

11

DATE MAILED:

10/24/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

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# Office Action Summary

Application No.

08/904,056

Applicant(s)

Lindsay

Examiner

Alecia Nelson

Group Art Unit

2/75

☒ Response to communication(s) filed on Aug 5, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-18 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-18 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 10

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. ***Claims 1, 8, 12, and 16*** are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification fails to disclose that the pointing device is operated in a manner wherein the pointing device is operable without regard to orientation.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. ***Claims 1-18*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Frank (EP Patent No. 1 596 594) in view of Redford (U.S. Patent No 5,3392,095).

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With reference to **claims 1 and 16**, Frank teaches host computer (34), which inherently contains a processor and a memory, that is coupled to control device (30) through interface (31) (see column 5, lines 5-8). Further, the control device (30) can be used as a remote control device by directing the bottom of the control device (30) towards the target device (see column 5, lines 36-38).

Frank fails to get into much detail about the type of switch used to control the target device. However, it would be obvious to one skilled in the art that some type of switch or button is used to control the target device (see column 4, lines 3-13).

Redford teaches a multi-media pointing device that includes a hand held remote unit having a set of command buttons (see figure 2, reference numbers 40 and 42). Further, it is taught the usage of a trigger like button that may be mounted to the handle (see column 4, lines 1-13).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to integrate a control device such that the control device may operate both as a cursor control device and a remote control device as taught by Frank and Redford.

With reference to **claims 2, 12, 13, and 18**, Frank teaches that the control device (30) can be operated in cursor control mode in which position data is generated by decoder (36) based on the movement of control device 30 on reflective pad (46) (see column 5, lines 44-48). Further, it is taught that the user depresses a switch located on control device (30) which converts control

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device (30) from a cursor control device to a remote control device in order to adjust the control data of the target device (see column 8, lines 1-10).

Frank fails to get into much detail about the type of switch used to control the target device. However, it would be obvious to one skilled in the art that some type of switch or button is used to control the target device (see column 4, lines 3-13).

Redford teaches a multi-media pointing device that includes a hand held remote unit having a set of command buttons (see figure 2, reference numbers 40 and 42). Further, it is taught the usage of a trigger like button that may be mounted to the handle (see column 4, lines 1-13).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to have a multimedia control device with a housing similar to that which is taught by Redford to the multimedia control device and system as taught by Frank. This would thereby allow for the control device to be used as a control device for the computer as well as a remote control device for target device to be controlled in the multimedia system.

With reference to **claim 8**, Frank teaches host computer (34), which inherently contains a processor and a memory, that is coupled to control device (30) through interface (31) (see column 5, lines 5-8). Further, the control device (30) can be used as a remote control device by directing the bottom of the control device (30) towards the target device (see column 5, lines 36-38). The control device (30) can be operated in cursor control mode in which position data is

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generated by decoder (36) based on the movement of control device 30 on reflective pad (46) (see column 5, lines 44-48). Further, it is taught that the user depresses a switch located on control device (30) which converts control device (30) from a cursor control device to a remote control device in order to adjust the control data of the target device (see column 8, lines 1-10). In the cursor control mode, control is a cursor control device in which position data are transferred from decoder (36) to interface control (33) and then transmitted over (31) to host computer (34) ( see column 5, 48-50).

Frank fails to get into much detail about the type of switch used to control the target device. However, it would be obvious to one skilled in the art that some type of switch or button is used to control the target device (see column 4, lines 3-13).

Redford teaches a multi-media pointing device that includes a hand held remote unit having a set of command buttons (see figure 2, reference numbers 40 and 42). Further, it is taught the usage of a trigger like button that may be mounted to the handle (see column 4, lines 1-13).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to integrate a control device such that the control device may operate both as a cursor control device and a remote control device as taught by Frank and Redford.

With reference to **claims 3 and 11**, Frank teaches all that is needed as applied to **claims 1 and 8**, however fail to specifically teach the usage of a button, slider, or wheel. Frank does teach

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the usage of a switch located on control device (30). Moreover the usage of a button, slider or wheel is well known in the art.

Redford teaches a multi-media pointing device that includes a hand held remote unit having a set of command buttons (see figure 2, reference numbers 40 and 42). Further, it is taught the usage of a trigger like button that may be mounted to the handle (see column 4, lines 1-13).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to have a multimedia pointing device that may include a actuator for control as taught by Redford with multimedia pointing device as taught by Frank. This would allow for the user to adjust the target devices with ease and comfort.

With reference to **claims 4, 10, 14, and 17**, Frank teaches all that is needed as applied to **claims 1, 8, 12, and 16** as explained above, however, fails to specifically teach the usage of a touch pad, trackball or joystick. Frank does teach that control device (30) is operated over reflective pad (46) for position control of the cursor (see column 5, lines 44-48). Moreover, interchanging a mouse, trackballs, touchpads and joysticks for a pointing device is well known in the art.

Redford teaches a multi-media pointing device that includes a hand held remote unit having a set of command buttons (see figure 2, reference numbers 40 and 42). Further, it is

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taught the usage of a trigger like button that may be mounted to the handle (see column 4, lines 1-13). Redford also teaches a second embodiment in

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow for the pointing device to be any one of a mouse, trackball, touchpad, or joystick to thereby allow the user with more comfort in using the device.

With reference to **claims 5-7, and 9**, Frank teaches all that is needed as applied to **claims 1 and 8** as explained above. Frank further teaches that host computer (20) is networked to television (22), VCR (24), video laser disc (26), and compact audio disc (26) (see column 2, lines 43-49).

Frank fails to teach that the multi media device comprise a tuner or an amplifier operatively coupled to at least one speaker. However, it is taught by frank that the user has the capability to add another target device to the host system configuration (see column 7, lines 5-8).

Redford teaches that if the optional audio input capability is desired, a microphone, an audio amplification circuit, and an FM transmitter need to be added to the remote unit, and an FM receiver and an audio port are needed in the base unit (see column 10 lines 19-35).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow for the multimedia system to have the ability to control a plurality of different electronic devices such that the control device may operate as a cursor control device



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and a remote control device and to give the user the capability to control as many electronic devices as needed.

*Response to Arguments*

5. Applicant's arguments filed 8/5/2000 have been fully considered but they are not persuasive.

The Applicant argues that there is no motivation to combine Frank with Redford on the basis that Frank and Redford teach away from combining with each other. Frank teaches in order to control the target device the user holds the control device such that the bottom of the device is pointed at the target device, and signal is transmitted upon depressing a switch on the control device. Redford teaches that the tilt of the remote is sensed and the appropriate signals are transmitted to the computer. However, Redford also teaches another objective of the disclosed invention is to provide a multimedia input device of the type described that transmits pointer data to the computer in the same format as a traditional mouse (see column 2, lines 7-10). Therefore there it would be obvious to one having ordinary skill in the art at the time of the invention to combine that which is taught by Redford to that which is taught by Frank in order to provide a control device such that the control device may operate both as a cursor control device and a remote control device.

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*Conclusion*

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any response to this action should be mailed to: Commissioner of Patents and Trademarks Washington, D.C. 2023; or faxed to: (703) 308-9051, (for formal communications intended for entry) or: (703) 308-6606 (for informal or draft communications, please label "PROPOSED" or "DRAFT"). Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alecia D. Nelson whose telephone number is (703)305-0143 between the hours of 8:00 a.m and 5:00 p.m. on Monday-Friday.

If attempts to reach the above examiner by telephone are unsuccessful, the examiner's supervisor, Steve Saras, can be reached at (703)305-9720.

  
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SUPERVISORY PATENT EXAMINER  
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adn/ADN  
October 22, 2000